

Serial No.: 10/765,708  
Examiner: Loren C. Edwards  
Title: EXHAUST ASSEMBLY  
Page 7 of 11

### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 17 has been amended. New claims 22-24 have been added. Support for the amendments and new claims can be found in the original disclosure, e.g., Figs. 4 and 5 and descriptions thereof, among other places. Claims 3 and 4 have been revised. No new matter has been added. Claims 1, 3, 4, 6-8, 10-15 and 17-24 are pending in the application.

### Claim Rejections – 35 USC § 102

Claims 1, 3, 4, 6, 11-13 and 21 are rejected under 35 USC § 102(b) as being anticipated by Pribil (US 1,530,324). Applicants respectfully traverse this rejection to the extent it is maintained.

Claim 1 requires a tubular member having two or more rings located on its inner diameter. Pribil fails to disclose the tubular member having two or more rings located on its inner diameter, as required by claim 1. Rather, Pribil discusses a tube 3 formed by a spirally wound strip 4, which has turned edge 5 and 6 forming an interlocking connection with the adjacent coil (see Pribil, page 1, lines 71-77 and Fig. 2). The Pribil muffling tube 3 is distinct from the present invention in that, for example, the Pribil baffle strip 7 is a single piece of a spirally wound strip, while claim 1 requires two or more rings. These are completely different structures. For at least the reason above, claim 1 is patentable over Pribil. Claims 3, 4 and 21 depend from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features required by claims 1, 3, 4 and 21.

Claim 6 is patentable over Pribil for reasons similar to those discussed above regarding claim 1. Claim 6 also requires a flexible exhaust tubular member having two or more rings located on its inner diameter. Pribil fails to disclose such structure as recited in claim 6. For at least these reasons, claim 6 is patentable over Pribil. Applicants are not conceding the relevance of the rejection to the remaining features required by claim 6.

Serial No.: 10/765,708  
Examiner: Loren C. Edwards  
Title: EXHAUST ASSEMBLY  
Page 8 of 11

Claims 11-13 are patentable over Pribil for reasons similar to those discussed above regarding claims 1, 3, 4 and 21. Claim 11 requires a rigid tubular member having at least two rings mounted to its inner diameter. Pribil fails to disclose such structure as recited in claim 11. For at least these reasons, claim 11 is patentable over Pribil. Claims 12 and 13 depend from claim 11 and are patentable along with claim 11 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features required by claims 11-13.

For at least the foregoing, claims 1, 3, 4, 6, 11-13 and 21 are distinguishable from and allowable over Pribil. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

#### **Claim Rejections – 35 USC § 103**

Claim 17 is rejected under 35 USC 103(a) as being unpatentable over Pribil in view of Kazokas (US 3,061,416) as stated in paragraph 13 of the Office Action. Applicants respectfully traverse this rejection.

Claim 17 requires an exhaust tubular member having two or more rings located on its inner diameter and at least one of the rings has a generally circular inner surface.

In a marine exhaust system, the invention of claim 1 provides the tubular member, coupled between the combustion engine of a generator set (genset) and a muffler, that transfers exhaust gases and raw water flowing from the genset to the muffler and water separator, which are remotely located from the genset. (See for example page 1, lines 9-13 of the specification). Advantageously, the claimed exhaust assembly, in particular the rings located on the inner diameter of the tubular member, helps form water droplets from the raw water that flows into the tubular member. The rings constrict the water and interfere with the flow of the water. The water then builds up and spills over the rings, creating turbulence in the flowing water resulting in a substantial amount of water droplets. These water droplets from the flowing water are mixed with gas, and the noise generated by the combustion engine is reduced. The constriction provided by the rings also increases the velocity of the exhaust gas to more effectively pick up drops of water from the bottom of the turbulent member and mix the water with the gas. These factors,

Serial No.: 10/765,708  
Examiner: Loren C. Edwards  
Title: EXHAUST ASSEMBLY  
Page 9 of 11

among others, provide for the sound dampening properties of the tubular member. (See for example page 4, lines 12-23 and page 5, line 27 to page 6, line 9 of the present specification).

Pribil fails to teach or suggest the exhaust tubular member having two or more rings located on its inner diameter and at least one of the rings having a generally circular inner surface, as required by claim 17. Rather, Pribil discusses a tube 3 formed by a spirally wound strip 4, which has turned edge 5 and 6 forming an interlocking connection with the adjacent coil (see Pribil, page 1, lines 71-77 and Fig. 2). The Pribil tube includes a spirally wound continuous baffle strip 7 (see Pribil, Fig. 2 and page 2, lines 7-35) for helping exhaust gases form a spiral motion and prevent undue back pressure. As a result, the force of exhaust explosion is distributed the entire length of the baffle strip 7 (see Pribil, page 1, lines 86-92). The Pribil muffling tube 3 is distinct from the present invention in that, for example, the Pribil baffle strip 7 is a single piece of a spirally wound strip, while claim 17 requires two or more rings. These are completely different structures.

Moreover, the present invention of claim 17 is directed to an exhaust system for a marine genset and requires at least one of the rings to have a generally circular inner surface. Such a structure can sufficiently constrict and interfere sufficiently with a flow of water and mix the water with exhaust gases. The generally circular inner surface of at least one of the rings helps constrict the flow of water and aggressively interacts with the central portion of the high velocity exhaust flow so as to lift the substantial portion of the water flow up and mix the water with the exhaust gases. However, Pribil does not disclose or suggest such a structure of claim 17. There is no technical basis in Pribil such that the muffling tube would be suitable for a marine genset. In fact, Pribil particularly discusses a toothed or serrated edge 8 projecting into the interior of the tube to break up of the gases (see Pribil, page 1, line 94 and Figs. 3, 4). The projecting serrated edge 8 is not effective for mixing water into the exhaust gas stream as required by claim 17 since the water flowing out of the marine genset can run along the bottom of the tube by passing through the bottom notches between the serrated edges 8 and travel along the bottom of the tube.

Serial No.: 10/765,708  
Examiner: Loren C. Edwards  
Title: EXHAUST ASSEMBLY  
Page 10 of 11

In addition, Pribil discusses a spirally wound muffling tube having interlocking construction joints. Such a muffling tube is not made water tight and thus is only for a dry exhaust system. Therefore, the Pribil muffling tube in fact cannot be used in an exhaust system for a marine genset as required by claim 17.

For at least these reasons, claim 17 is patentable over Pribil in view of Kazokas. Kazokas does not remedy the deficiencies of Pribil. Applicants are not conceding the relevance of the rejection to the remaining features required by claim 17.

Claims 7-8, 10, 14-15 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Pribil as stated in paragraphs 14-16 of the Office Action. Applicants respectfully traverse these rejections. Claims 7-8, 10, 14-15 and 18-20 respectively depend upon claims 1, 6, 11, and 17 and are patentable over Pribil for at least the same reasons discussed above. Applicants are not conceding the relevance of the rejections to the remaining features required by claims 7-8, 10, 14-15 and 18-20.

Favorable reconsideration and withdrawal of these rejections are respectfully requested.

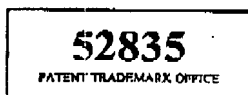
New dependent claim 22 is patentable for at least the same reasons discussed above regarding claims 1, 3, 4 and 21. In addition, claim 22 requires at least one of the rings to have a generally circular inner surface. Pribil fails to teach or even suggest such an arrangement for reasons similar to those discussed above. Therefore, the invention of claim 22 is distinct from Pribil.

New dependent claim 23 is patentable for at least the same reasons discussed above regarding claims 1, 3, 4 and 21. In addition, claim 23 requires each ring being in a plane perpendicular to the length of a tubular member. Pribil fails to teach or even suggest such an arrangement for reasons similar to those discussed above. Therefore, the invention of claim 23 is distinct from Pribil.

Serial No.: 10/765,708  
Examiner: Loren C. Edwards  
Title: EXHAUST ASSEMBLY  
Page 11 of 11

New dependent claim 24 is patentable for at least the same reasons discussed above regarding claim 17. In addition, claim 24 requires each ring being in a plane perpendicular to the length of a tubular member. Pribil fails to teach or even suggest such an arrangement for reasons similar to those discussed above. Therefore, the invention of claim 24 is distinct from Pribil.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to Applicants' representative listed below.



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Respectfully submitted,

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